

Appl. No. 09/884,652
Amendment Dated Aug. 8, 2005
Reply to Office Action of Mar. 7, 2005

REMARKS/ARGUMENT

I. Status of the Claims

Claims 1-29 are pending.

Claims 1 and 2 are allowed.

Claims 21-23 are objected to.

Claims 3-20 and 24-29 are rejected.

II. Claim Amendments

Claim 1 is amended to more particularly point out what the Applicants' consider to be their invention. Claim 1 is fully supported by the specification and as amended is still allowable. No new matter has been added to the claims.

III. Claim Objections

Claim 3 has been objected to for being an improper dependent claim for failing to further limit the claim. Claim 1 has been amended to more particularly point out what the Applicants' consider to be their invention. Claim 3 now further limits claim 1. The Applicants respectfully request reconsideration and removal of the obviousness rejection.

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IV. IDS TIMELY SUBMITTED BUT NOT PROPERLY CONSIDERED

Applicants originally submitted an IDS on March 19, 2004, one month before the mailing of the April 19 Office action made final. The IDS was resubmitted on May 3, 2004 and stamped received by the Office on June 14, 2004. The Applicants then further submitted an RCE. The Applicants expect to receive as required by the MPEP the PTO 1449 sheet with all references considered because it was timely submitted along with either a notice of allowance or new office action. The Applicants did not receive the form and request that the examiner provide that form in response to this submission.

V. Claim Rejections Under 35 USC 103

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardorniga et al. (USPN 5,415,937) and Molitor (USPN 4,726,590) further in view of Shaw et al. (USPN 4,142,727). The Applicants concur with the examiner's opinion of the Cardorniga '937 reference **DOES NOT TEACH** the use of an ionomer with 19% by weight of methacrylic acid. The Applicants specifically claim a 19% acid level that results in a corresponding lower shore D number. The Applicant's blend in claim 18 is directed

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toward 19% and therefore not taught by the Cardorniga '937 patent. The difference in acid level produces a different polymer having different properties.

An attempt to use the Cardorniga reference for the Applicant's claimed cover blend is tantamount to an obvious to try standard. The standard for obviousness is the combination of the teaching of the references and not the use of hindsight reasoning based upon the applicant's disclosure. The Cardorngiga blend has a higher shore D and is thus stiffer, but this higher stiffness effects feel and performance when interaction with a golf club face and thus it is a completely different overall blend resulting in different properties.

The Shaw '727 patent is silent regarding the Applicant's claimed blend. The Molitor '590 patent merely teaches a golf ball having a center of similar weight. One skilled in the art would not be motivated to combine the Molitor '590 reference with the Shaw and Cardorniga references. The combination of the references still fails to teach the applicants' claimed ball regarding the cover blend. Therefore the Applicants respectfully request that the obviousness rejection of claims 18-20 be withdrawn.

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Claims 24 and 25 are rejected as being unpatentable over Cardorniga et al. (USPN 5,415,937) in view of Shaw et al. (USPN 4,142,727) and Molitor (USPN 4,726,590) further in view of Shaw (USPN 4,877,252). The Applicants concur with the examiner's opinion of the Cardorniga '937 reference DOES NOT TEACH the use of an ionomer with 19% by weight of methacrylic acid. The Applicants specifically claim a 19% acid level that results in a corresponding lower shore D number and not the blend of Cardorniga. The Applicant's blend in claim 24 is directed toward 19% and therefore not taught by the Cardorniga '937 patent.

An attempt to use the Cardorniga reference for the Applicant's claimed cover blend is tantamount to an obvious to try standard. The standard for obviousness is the combination of the teaching of the references and not the use of hindsight reasoning based upon the applicant's disclosure. The Cardorngiga blend has a uses a material with a higher shore D and material stiffness, but this higher stiffness effects feel and performance when interaction with a golf club face and thus it is a completely different overall blend resulting in different properties than that claimed by the Applicants.

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The Shaw '727 patent is silent regarding the Applicant's claimed blend. The Molitor '590 patent merely teaches a golf ball having a center of similar weight and a broad range of PGA compression 51-119, but it does not teach why one would choose a range of 68-75 claimed by the Applicants. One skilled in the art would not be motivated to combine the Molitor '590 reference with the Shaw and Cardorniga references and produce the Applicants claimed ball. The combination of the references still fails to teach the applicants' claimed ball regarding the cover blend. Therefore the Applicants respectfully request that the obviousness rejection of claims 24 and 25 be withdrawn.

Claims 26-29 are rejected as being unpatentable over Cardorniga et al. (USPN 5,415,937) in view of Shaw et al. (USPN 4,142,727) and Molitor (USPN 4,726,590) further in view of Shaw (USPN 4,877,252). The Applicants' traverse this rejection as improper for failing to teach each and every limitation as admitted by the Office as discussed in detail above. The Applicants' respectfully request reconsideration of claims 26-29, which depends from allowable claim 24.

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VI. Conclusion

Based on the foregoing, it is respectfully requested that the amendments to the claims be entered and all rejections be withdrawn and the application be passed to issue.

Respectfully submitted,

Lorusso & Loud

Jeffrey D. Washville

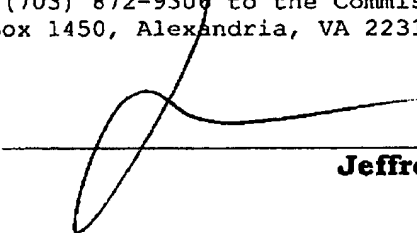
Dated: 8 AUG 05

Reg. No. 46,366

15 Rye Street, Suite 312
Pease International Tradeport
Portsmouth, NH 03801
Tel.: (603) 427-0070
FAX: (603) 427-5530

Certificate of Mail Under 37 C.F.R. §1.8

The undersigned hereby certifies that this paper along with any paper or document referred to therein as being attached or enclosed, is being transmitted via facsimile to (703) 872-9306 to the Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450- This 8th day of August 2005.


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Amendments to the Drawings

The attached sheet of drawings includes new Fig. 10. This sheet has been added in response to this office action. In Figure 10, previously omitted element R2 has been added. This is not new matter as the element was described in the detailed description of the invention, but FIG. 10 was accidentally omitted at file. The detailed description in the specification is of sufficient detail so that the addition of FIG. 10 is not new matter.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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ANNOTATED DRAWING SHEET

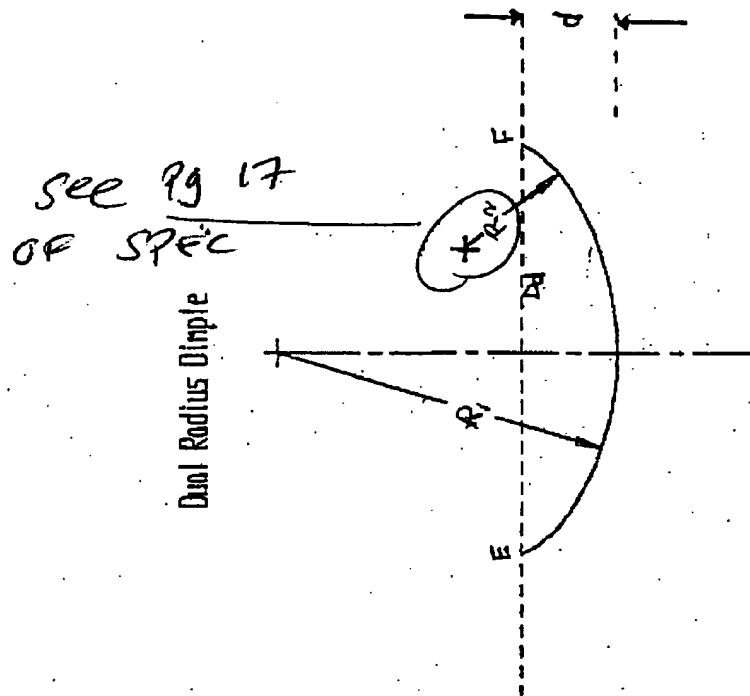


FIG. 10

